

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FREDERICK BANKS,	:	CIVIL ACTION NO. 1:11-CV-0668
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
WARDEN, FPC CANAAN, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 6th day of May, 2011, upon consideration of plaintiff's motion for reconsideration (Doc. 6), in which plaintiff takes issue with this court's characterization of his mandamus action as a "*Bivens* styled civil rights action," and it appearing that plaintiff fails to demonstrate one of three major grounds for reconsideration ((1) an intervening change in controlling law; (2) the availability of new evidence [not available previously]; [or], (3) the need to correct clear error [of law] or prevent manifest injustice.'')), North River Ins. Co. v. Cigna Reinsurance Co., 52 F.3d 1194, 1218 (3d Cir. 1995) (citations omitted); see Waye v. First Citizen's Nat'l Bank, 846 F. Supp. 310, 314 (M.D. Pa.) ("A motion for reconsideration is not to be used to reargue matters already argued and disposed of."), aff'd, 31 F.3d 1174 (3d Cir. 1994); see also Database America, Inc. v. Bellsouth Adver. & Publ'g Corp., 825 F. Supp. 1216, 1220 (D.N.J. 1993) (citations omitted) ("A party seeking reconsideration must show more than a disagreement with the Court's decision, and 'recapitulation of the cases and arguments considered by the court before

rendering its original decision fails to carry the moving party's burden.'"), it is hereby ORDERED that the motion (Doc. 6) is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge